

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PATRICE AMERSON,

Plaintiff,

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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Case No. 12-14395

Paul D. Borman  
United States District Judge

David R. Grand  
United States Magistrate Judge

ORDER (1) ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION (ECF NO. 26) AND (2) DENYING AS UNTIMELY  
PLAINTIFF'S APPLICATION FOR COSTS AND FEES PURSUANT TO THE  
EQUAL ACCESS TO JUSTICE ACT (ECF NO. 23)

Before the Court is Magistrate Judge David R. Grand's August 15, 2014 Report and Recommendation regarding Plaintiff's Application for Attorneys' Fees under the Equal Access to Justice Act, 28 U.S.C. § 2412 ("EAJA"). (Report and Recommendation, ECF No. 26). As set forth in the Report and Recommendation, the Magistrate Judge recommends that this Court deny Plaintiff's Application for Attorneys' Fees as untimely and finding that equitable tolling should not apply. (*Id.*, at 3-4).

Having reviewed the Report and Recommendation, and there being no timely objections from either party under 28 U.S.C. § 636(b)(1) and E.D. Mich L.R. 72.1(d), the Court ADOPTS the Report and Recommendation (ECF No. 26); and DENIES Plaintiff's

Application for Attorney's Fees under the Equal Access to Justice Act (ECF No. 23). The Court notes that Plaintiff's counsel did not file a Reply to Defendant's Response to her Application for Attorney's fees, nor did she file an Objection to the Magistrate Judge's recommendations denying her Application for Attorney's Fees.

IT IS SO ORDERED.

s/Paul D. Borman  
PAUL D. BORMAN  
UNITED STATES DISTRICT JUDGE

Dated: September 30, 2014

#### CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 30, 2014.

s/Deborah Tofil  
Case Manager